
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Paul Bunyan Rural Telephone Cooperative)	File No.: EB-FIELDNER-14-00016531
Owner of Antenna Structure No. 1024447)	
Coleraine, Minnesota)	NOV No.: V201432320011

NOTICE OF VIOLATION

Released: July 21, 2014

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Paul Bunyan Rural Telephone Cooperative (PBRTC) registrant of antenna structure number 1024447 in Coleraine, Minnesota. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On July 10, 2014, an agent of the Enforcement Bureau's Chicago Office inspected antenna structure number 1024447 located 1.1 miles North of the junction of Highway 169 and County Road 440 near Coleraine, Minnesota and observed the following violations:

47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard." The FCC's Antenna Structure Registration (ASR) database currently indicates that antenna structure 1024447 requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1G, Chapters 3, 4, 5, and 9. The antenna structure does not conform to these recommendations. The Agent observed that the tower was not painted and was equipped with a high intensity flashing white obstruction lighting system, and therefore is in violation of 47 C.F.R. § 17.23. In order to come into compliance with the Commission's rules, PBRTC must either: (1) obtain a new FAA "no hazard" determination indicating that the current lighting system is permitted and then submit a modified antenna structure registration to reflect the new "no hazard" determination, (2) submit a modified registration if a new FAA "no hazard" determination already has been obtained or (3) come into compliance with the current ASR by removing the white obstruction lighting and painting the tower.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, PBRTC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 403.

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correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct PBRTC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized official of PBRTC with personal knowledge of the representations provided in PBRTC's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in PBRTC's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Chicago Office
1550 North Northwest Hwy., Suite 306
Park Ridge, Illinois 60068

6. This Notice shall be sent to Paul Bunyan Rural Telephone Cooperative, at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt
Regional Director
Northeast Region
Enforcement Bureau

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).